

**MENOMINEE TRIBAL LEGISLATURE – REGULAR  
MARCH 4, 2010  
MENOMINEE TRIBAL OFFICE BOARD ROOM  
KESHENA, WI 54135  
5:00 P.M.**

**MEMBERS PRESENT:**

Laurie A. Boivin, Tribal Chairwoman  
Randal Chevalier  
Lynnette A. Miller  
Myrna R. Warrington  
Lisa S. Waukau  
Bruce J. Pecore  
Kenneth A. Fish  
David A. Miller

**MEMBERS ABSENT:**

Rebecca D. Alegria - (*Excused absence*)

**1. Call to Order – Roll Call.**

Chairwoman Boivin called the meeting to order at 5:00 P.M. Roll call was taken with a quorum present.

**2. Menominee Prayer & Smudging Ceremony – Joey Awonohopay.**

Legislator L. Miller said the Menominee Prayer before Mr. Awonohopay arrived so the meeting could begin.

Mr. Awonohopay proceeded to say the Menominee Prayer in the Menominee language and then interpreted what he said in the English language for those that don't know the Menominee language. While praying to the "*Great Spirit*" he proceeded to smudge all of the Tribal Legislator's, Executive Secretary, and Tribal Attorney before he smudged everyone else in attendance.

**MOTION BY DAVID MILLER TO GO BACK TO THE REGULAR AGENDA ITEM NUMBER 4. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**3. Public Comment Period.**

Chairwoman Boivin read the rules to the public before Public Comment period began. She also informed everyone that if they have handouts that they would not be allowed to be handed out until they are called upon.

Tribal member Eugene Caldwell requested to make a public comment regarding Conservation issues.

Tribal member Norbert Miller requested to make a public comment regarding a letter to the Legislature.

Chairwoman Boivin requested to go back to agenda item number 2, because Mr. Awonohopay had arrived to perform the smudging ceremony.

**MOTION BY KENNETH FISH THAT WE GO BACK TO ITEM NUMBER 2 FOR THE SMUDGING CEREMONY. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**4. Final Approval of Amendment to Ordinance No. 00-32 & 04-41 – Canceling Residential Lease Requests to Tribal Members.**

**MOTION BY LYNNETTE MILLER FOR FINAL APPROVAL OF AMENDMENT TO ORDINANCE NO. 00-32 AND 04-41 CANCELING RESIDENTIAL LEASE REQUESTS. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**5. Final Approval of Ordinance No. 10-01 Recreational Lease Requests to Tribal Members.**

**MOTION BY LYNNETTE MILLER FOR FINAL APPROVAL OF ORDINANCE NO. 10-01 RECREATIONAL LEASE REQUESTS. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**6. Final Approval of Ordinance No. 10-02 Residential Lease Requests to Tribal Members.**

**MOTION BY DAVID MILLER FOR FINAL APPROVAL OF ORDINANCE NO. 10-02 AUTHORIZING RESIDENTIAL LEASE REQUESTS. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**7. Final Approval of Ordinance No. 10-03 Program Lease Requests for Menominee Tribal Housing Department Limited Partnership # 5 & # 6.**

**MOTION BY RANDAL CHEVALIER FOR FINAL APPROVAL OF MENOMINEE NATION MENOMINEE TRIBAL LEGISLATURE ORDINANCE NO. 10-03 PROGRAM LEASE REQUESTS. (MENOMINEE TRIBAL HOUSING DEPARTMENT LIMITED PARTNERSHIPS # 5 & # 6.) SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**8. Final Approval of Ordinance No. 10-04 Program Lease Request for Department of Transit Services.**

**MOTION BY LYNNETTE MILLER FOR FINAL APPROVAL OF ORDINANCE NO. 10-04 PROGRAM LEASE REQUESTS. (DEPARTMENT OF TRANSIT SERVICES) SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 8 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**9. 10-Day Waiver Request(s).**

There were no 10-day waiver request(s) made at this time.

**10. Approval of 2010 Sturgeon Feast and Celebration Pow-Wow.**

Legislator's requested that Historic Preservation go through the Ordinance process for this request, and then come back because there still was enough time before the Sturgeon Feast and Pow-Wow celebration for 2010.

**MOTION BY MYRNA WARRINGTON TO *TABLE* (THE ANNUAL 2010 MENOMINEE STURGEON FEAST AND CELEBRATION POW-WOW REQUEST UNTIL THE NEXT MEETING). SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**11. Bid Recommendation for Neopit Elevated Storage Tanks.**

**MOTION BY RANDAL CHEVALIER TO APPROVE THAT WE CONCUR WITH THE BID EVALUATION TEAM TO AWARD THE NEOPIT ELEVATED STORAGE TANK PROJECT TO CALDWELL TANKS, INC. AS BID (\$536,000). SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**12. Appointment to the Department of Justice Tribal Nations Leadership Council.**

MTL recommended that this be sent to M.A.S.T. for their recommendation as well.

**MOTION BY RANDAL CHEVALIER TO *TABLE* ITEM NUMBER 12. (*TRIBAL NATIONS LEADERSHIP COUNCIL (TNLC) UNTIL THE NEXT MEETING*). SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**MOTION BY MYRNA WARRINGTON THAT LEGISLATOR FISH TAKE THE ISSUE OF DEPARTMENT OF JUSTICE TRIBAL NATIONS LEADERSHIP COUNCIL APPOINTMENT TO M.A.S.T. AND ASK FOR THEIR POSITION ON THIS APPOINTMENT AND CONSIDER NON-PUBLIC LAW (P.L.) 280 TRIBES. SECOND WAS MADE BY LISA WAUKAU. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**13. Approval of January 23, 2010 Annual General Council Motions.**

**MOTION BY KENNETH FISH TO REFER THE MOTION FROM BRUCE WILBER SR. AND SECONDED BY FRANCES WALKER FROM THE ANNUAL GENERAL COUNCIL OF JANUARY 23, 2010 THAT WE INFORM MENOMINEE TRIBAL ENTERPRISES (MTE) TO PROHIBIT CLEAR CUTTING IN OUR FORESTS AND ALL CLEAR CUTTING AREAS BE RE-PLANTED NOW TO THE FORESTRY COMMITTEE. SECOND WAS MADE BY DAVID MILLER.**

Legislator Chevalier informed MTL that this motion went to the Forestry Committee already last year, and the Committee forwarded that to MTE, and MTE chose to respond to this item at their annual general council meeting in June. Because of time issues, MTE did not get the opportunity to notify the membership of this issue, but they are willing to address this matter if the membership wished to contact MTE directly. He also requested that a letter be sent to MTE from the Chairman to address this motion as soon as possible.

Chairwoman Boivin informed MTL that under the new rules of the Legislature, it doesn't follow Robert's Rules of Order so anybody can qualify their votes.

***THE MOTION IS DEFEATED: 2 FOR, 4 OPPOSED (CHEVALIER, L. MILLER, WARRINGTON, & WAUKAU), 1 ABSTENTION (PECORE), AND 1 ABSENT (ALEGRIA).***

**PLEASE NOTE: Legislator L. Miller qualified her opposition as follows:** *"I think this motion should be sent right up to MTE."*

**Legislator Fish qualified his vote as follows:** *"I think what this would do is we're only going to get the questions answered for the Annual General Council whether it's bad or good technology or bad technology. MTE in consultation could have assisted the Forestry Committee in answering that question."*

**Legislator D. Miller qualified his vote as follows:** *"I was basing my reason to the motion too is that we could get the information out there in concert with MTE, as MTE, and I'm not sure what they do at their annual meetings if they answered their questions, and so it would be coming back. So what do we do need is the information, and I was hoping that the Committee would be conduit in getting that information out there."*

**Legislator Waukau did not qualify her opposition.**

**Legislator Pecore qualified his abstention as follows:** *"I'm abstaining from it, because I agree with most of*

*it, but I just wanted to add something to it."*

**MOTION BY RANDAL CHEVALIER THAT WE FORWARD THIS MOTION TO MTE TO RESPOND TO THE PUBLIC THROUGH THE TRIBAL NEWS. (ANNUAL GENERAL COUNCIL MOTION OF JANUARY 23, 2010 THAT WE INFORM MENOMINEE TRIBAL ENTERPRISES (MTE) TO PROHIBIT CLEAR CUTTING IN OUR FORESTS AND ALL CLEAR CUTTING AREAS BE RE-PLANTED NOW.) SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 4 FOR, 3 OPPOSED (FISH, D. MILLER, & PECORE), 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**PLEASE NOTE: Legislator Fish qualified his opposition as follows:** *"I opposed this motion, because the Constitution reads that the Legislature shall respond to the motions of the General Council, and I feel that the Tribe in consultation with MTE through our Forestry Committee which was set up to do that investigation for that, and the Forestry Committee could have done the public relations to answer that question on whether or not the technology is good technology."*

**Legislator D. Miller qualified his opposition as follows:** *"I concur with Legislator Fish's rational."*

**Legislator Pecore qualified his opposition as follows:** *"I believe that we have our own people on this Forestry Staff."*

**MOTION BY RANDAL CHEVALIER TO CONCUR WITH THIS MOTION AND SEND IT TO OUR FORESTRY COMMITTEE FOR RESEARCH AND INVESTIGATION. (ANNUAL GENERAL COUNCIL MOTION OF JANUARY 23, 2010 THAT WE ASK THE LEGISLATURE TO GO AHEAD AND TAKE ACTION AND ASK THE FORESTRY CENTER WHO IS AUTHORIZED TO CUT MORE BEECH TREES THAN BLACK ASH TREES). SECOND WAS MADE BY LISA WAUKAU. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**MOTION BY RANDAL CHEVALIER TO REFER THIS MOTION TO THE ENFORCEMENT RESOURCE AND PROTECTION COMMITTEE TO RESEARCH, INVESTIGATE, AND COME BACK WITH A RECOMMENDATION TO THE FOLLOW-UP. (ANNUAL GENERAL COUNCIL MOTION OF JANUARY 23, 2010 REGARDING THAT THIS BODY IS DIRECTING THE LEGISLATIVE BODY TO CREATE A TASK FORCE OF LEGAL MINDS TO COME UP WITH A SOLUTION, AND I HAVE COME UP WITH A SOLUTION WHICH THE COURT COULD BRING UP TRIBAL LAWS WHICH WOULD CREATE COMMUNITY SERVICE FOR ALL OF THESE INDIVIDUALS THAT OWE SO THAT WE COULD HAVE THE CLEANEST RESERVATION.) SECOND WAS MADE BY LISA WAUKAU.**

The MTL discussed this issue, and recommended that the Courts be made to remove all the deceased members and those that have paid their fines already from the list of overdue fines that was published recently in the Tribal Newspaper, and the Courts should republish a correct listing. In addition, there was a problem with creating another ad-hoc as the Courts is a separate entity from the Tribe and the Tribe can not force the Courts to take up anything if they disagree with our recommendations.

**THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**MOTION BY RANDAL CHEVALIER THAT WE SEND A LETTER TO MTE REQUESTING THAT THEY ALLOW A POLL TO BE SET UP IN KESHENA SO TRIBAL MEMBERS ARE ABLE TO VOTE. (ANNUAL GENERAL COUNCIL MOTION OF JANUARY 23, 2010 REGARDING THAT WE RECOMMEND TO MTE DURING THEIR GENERAL COUNCIL BOARD OF DIRECTOR'S MEETING THAT A POLL BE SIT UP IN KESHENA SO TRIBAL MEMBERS ARE ABLE TO VOTE). SECOND**

WAS MADE BY LISA WAUKAU. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

MOTION BY RANDAL CHEVALIER THAT THIS MOTION BE SENT TO THE COMMUNITY DEVELOPMENT COMMITTEE TO RESEARCH, INVESTIGATE, AND REPORT BACK TO THE LEGISLATURE. (ANNUAL GENERAL COUNCIL MOTION OF JANUARY 23, 2010 REGARDING THAT MTL IDENTIFIES TRIBAL PROPERTIES IN EACH OF OUR COMMUNITIES AND MAKE THEM AVAILABLE AND ACCESSIBLE TO TRIBAL MEMBERS AND TRIBAL ORGANIZATIONS FOR 24/7 USE FOR FUNERALS, WAKES, ETC., AS WELL AS THE BULLETIN BOARDS). SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

MOTION BY RANDAL CHEVALIER THAT WE ENTERTAIN THIS NEXT MOTION UNDER EXECUTIVE SESSION, BECAUSE OF WHAT WE DECIDED TO DO AT ONE OF OUR PREVIOUS MEETINGS. (ANNUAL GENERAL COUNCIL MOTION OF JANUARY 23, 2010 REGARDING THAT THE CHAIRMAN (LISA WAUKAU) BE RESCINDED OR REMOVED FROM OFFICE AND THE OTHER ONES THAT PARTICIPATED). SECOND WAS MADE BY KENNETH FISH. THE MOTION CARRIED: 5 FOR, 1 OPPOSED (L. MILLER), 1 ABSTENTION (WAUKAU), AND 1 ABSENT (ALEGRIA).

**PLEASE NOTE: Legislator L. Miller qualified her opposition as follows:** *"Because with respect to the individual if the public wants that person removed or a Legislator there is a process that's outlined in the Constitution for them to follow, and that's not up to the Legislature to remove anybody from Office. With respect to the other part of the motion that says the other ones that participated I have no idea who they are talking about."*

**Legislator Waukau qualified her abstention as follows:** *"I abstain for obvious reasons."*

**14. Other Business: Matters of an Immediate Nature that Cannot Wait Until the Next Meeting.**

A Tribal member was concerned about all of the spraying that is going on in our lakes and forests.

Chairwoman Boivin stated that this issue would be sent over the Enforcement Resource and Protection Committee for follow up.

MOTION BY RANDAL CHEVALIER TO ENTERTAIN THE FOLLOWING UNDER "OTHER BUSINESS: MATTERS OF AN IMMEDIATE NATURE THAT CANNOT WAIT UNTIL THE NEXT MEETING:" - 1) RESOLUTION NO. 10-12 RESOLUTION ACCEPTING ARRA FUNDS FOR LAW ENFORCEMENT CENTER FACILITY MAINTENANCE; 2) SETTING QUARTERLY COMMUNITY MEETINGS; 3) COMMUNITY FUNDING REVIEW & SELECTION PANEL APPOINTMENTS; 4) ADD TO THE AGENDA UNDER EXECUTIVE SESSION UNDER LEGAL (A) (3) DISCUSSION ON MTE'S ATTORNEY LETTER DATED MARCH 3, 2010; & 5) ECONOMIC DEVELOPMENT CONSULTANT UPDATE UNDER EXECUTIVE SESSION. SECOND WAS MADE BY LISA WAUKAU. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

- 1) Resolution No. 10-12 Resolution Accepting ARRA Funds for Law Enforcement Center Facility Maintenance;

MOTION BY LYNNETTE MILLER FOR APPROVAL OF RESOLUTION NO. 10-12 MENOMINEE NATION MENOMINEE TRIBAL LEGISLATURE RESOLUTION ACCEPTING ARRA FUNDS FOR

**LAW ENFORCEMENT CENTER FACILITY MAINTENANCE WAIVE THE READING AND AUTHORIZE SIGNATURES. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**2) Setting Quarterly Community Meetings;**

**MOTION BY LYNNETTE MILLER TO SET THE COMMUNITY MEETINGS FOR THE SECOND TUESDAY AND WEDNESDAY IN MARCH, JUNE, SEPTEMBER, AND DECEMBER EVERY YEAR. SECOND WAS MADE BY KENNETH FISH. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**3) Community Funding Review & Selection Panel Appointments;**

**MOTION BY LISA WAUKAU TO APPOINT BARBARA GRIGNON - *SOCIAL SERVICES*; VIRGINIA NUSKE - *EDUCATION*; DUANE WAUKAU - *RECREATION*; DAVID WAUPOOSE SR. - *TRIBAL CLINIC*; LISA GAST - *GAMING*; AND MELODIE PAGE - *HOUSING TO THE COMMUNITY FUNDING REVIEW AND SELECTION PANEL FOR A TERM OF ONE YEAR TO COMMENCE IMMEDIATELY AND END ON MARCH 4, 2011. SECOND WAS MADE BY BRUCE PECORE.***

Legislator's requested to have this reposted to avoid the "forever internal mode" of certain individuals that has previously been selected in these fields, and to avoid the same people from serving on this panel. They felt that it should be re-opened for other departments in these fields to apply, and to allow community members to apply as well.

***THE MOTION IS DEFEATED: 2 FOR, 5 OPPOSED (PECORE, WARRINGTON, CHEVALIER, D. MILLER, & FISH), 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).***

**PLEASE NOTE: Legislator D. Miller qualified his opposition as follows:** *"how many years has this committee been in existence and I was also looking to see if there is community representation I don't think it necessarily has to be tribal employees."*

**MOTION BY RANDAL CHEVALIER THAT WE APPOINT THESE INDIVIDUALS AS PRESENTED ON AN INTERIM BASIS FOR SIXTY (60) DAYS AND IN THE MEANTIME REVIEW THIS ORDINANCE TO ALLOW FOR PUBLIC POSTING. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 6 FOR, 1 OPPOSED (WAUKAU), 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**PLEASE NOTE: Legislator Waukau qualified her opposition as follows:** *"I think we have 6 good people that are willing to take on this job, and I think we should go with them. I think it's going to be wasting Legislator's time by dealing with everything."*

**4) Add to the Agenda under Executive Session under Legal (A) (3) Discussion on MTE's Attorney Letter Dated March 3, 2010; &**

This item will be discussed in Executive Session.

**5) Economic Development Consultant update under Executive Session.**

This item will be discussed in Executive Session.

**15. 2010 Legislative Committee Appointments.**

For the 2010 Legislative Committee's it was mentioned that Legislators serving on several Committee's be mandated to stay for the duration of any said meetings, because it's not fair to the other Legislators that have to stay to the end.

Legislator Fish stated he did not receive the Committee's that he applied for, and requested that in the future, for committee re-assignments that all MTL should be privy to that selection along with the original selection by all MTL members.

Chairwoman Boivin stated the problem is that not all MTL make their selections, and in the past, this is the way Committee appointments have always been selected.

**MOTION BY RANDAL CHEVALIER TO APPROVE THE 2010 MTL COMMITTEE APPOINTMENTS WITH THE LABOR, EDUCATION, AND TRAINING CHAIR ALSO SERVING ON THE UW-EXTENSION BOARD. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**16. Revisions of MTL – Legislative Rules of Procedure.**

Chairwoman Boivin requested that the MTL LRP's be tabled until all Legislators' have a chance to review and submit their recommended revisions to the Chairman's Office.

**MOTION BY MYRNA WARRINGTON TO *TABLE (MENOMINEE TRIBAL LEGISLATURE LEGISLATIVE RULES OF PROCEDURE)*. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**17. Resolution No. 10-\_\_\_ Approval of Attorney Contract.**

**MOTION BY LYNNETTE MILLER TO APPROVE RESOLUTION NO. 10-05 APPROVAL OF ATTORNEY CONTRACT (*LINDZEY A. GRALL*) WAIVE THE READING AND AUTHORIZE THE SIGNATURES WITH CORRECTIONS. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**18. Resolution No. 10-\_\_\_ Adoption of Wildland Fire Management Cooperative Agreement.**

**MOTION BY LYNNETTE MILLER TO APPROVE RESOLUTION NO. 10-06 ADOPTION OF WILDLAND FIRE MANAGEMENT COOPERATIVE AGREEMENT WAIVE THE READING AND AUTHORIZE THE SIGNATURES. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**19. Resolution No. 10-\_\_\_ Menominee Indian Tribe of Wisconsin Resolution for the Approval of Changes to the Long Range Transportation Plan for the Menominee Indian Tribe of Wisconsin.**

It was mentioned that in the future whenever these require approval that Community Development develop only one resolution if possible.

**MOTION BY LYNNETTE MILLER TO APPROVE RESOLUTION NO. 10-07 CHANGES TO THE LONG RANGE TRANSPORTATION PLAN FOR THE MENOMINEE INDIAN TRIBE OF WISCONSIN WAIVE THE READING AND AUTHORIZE THE SIGNATURES, AND INSERT ANOTHER**

**'WHEREAS' THAT THE TRIBE DOES NOT IN ANY WAY WAIVE ITS SOVEREIGN GOVERNMENTAL AUTHORITY OVER THE LAND DESCRIBED WITHIN THESE DOCUMENTS. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

20. Resolution No. 10-\_\_\_ Menominee Indian Tribe of Wisconsin Resolution for the Addition of Roads/Section to the Bureau of Indian Affairs Indian Reservation Road (IRR) Inventory Program.

**MOTION BY RANDAL CHEVALIER FOR ADOPTION OF RESOLUTION NO. 10-08 MENOMINEE INDIAN TRIBE OF WISCONSIN RESOLUTION FOR THE ADDITION OF ROADS/SECTION TO THE BUREAU OF INDIAN AFFAIRS INDIAN RESERVATION ROAD (IRR) INVENTORY PROGRAM WAIVE THE READING AND AUTHORIZE THE SIGNATURES AND INSERT ANOTHER 'WHEREAS' THAT THE TRIBE DOES NOT IN ANY WAY WAIVE ITS SOVEREIGN GOVERNMENTAL AUTHORITY OVER THE LAND DESCRIBED WITHIN THESE DOCUMENTS. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

21. Resolution No. 10-\_\_\_ Menominee Indian Tribe of Wisconsin Resolution to Delete Roads/Section to the Bureau of Indian Affairs Indian Reservation Road (IRR) Inventory Program.

**MOTION BY LYNNETTE MILLER TO APPROVE RESOLUTION NO. 10-09 TO DELETE ROADS/SECTION TO THE BUREAU OF INDIAN AFFAIRS INDIAN RESERVATION ROAD (IRR) INVENTORY PROGRAM AND ADD THE 'WHEREAS' LANGUAGE, WAIVE THE READING AND AUTHORIZE SIGNATURES. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

22. Resolution No. 10-\_\_\_ Menominee Indian Tribe of Wisconsin Resolution to Add Proposed Roads/Section to the Bureau of Indian Affairs Indian Reservation Road (IRR) Inventory Program.

**MOTION BY LYNNETTE MILLER TO APPROVE RESOLUTION NO. 10-10 TO ADD PROPOSED ROADS/SECTION TO THE BUREAU OF INDIAN AFFAIRS INDIAN RESERVATION ROAD (IRR) INVENTORY PROGRAM AND ADD THE 'WHEREAS' LANGUAGE, WAIVE THE READING AND AUTHORIZE SIGNATURES. SECOND WAS MADE BY RANDAL CHEVALIER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

23. Resolution No. 10-\_\_\_ Menominee Indian Tribe of Wisconsin Resolution for the Corrections of Roads/Section to the Bureau of Indian Affairs Indian Reservation Road (IRR) Inventory Program.

**MOTION BY RANDAL CHEVALIER FOR THE ADOPTION OF RESOLUTION NO. 10-11 MENOMINEE INDIAN TRIBE OF WISCONSIN RESOLUTION FOR THE CORRECTIONS OF ROADS/SECTION TO THE BUREAU OF INDIAN AFFAIRS INDIAN RESERVATION ROAD (IRR) INVENTORY PROGRAM INSERT THE 'WHEREAS' THAT THE TRIBE DOES NOT IN ANY WAY WAIVE ITS SOVEREIGN GOVERNMENTAL AUTHORITY OVER THE LAND DESCRIBED WITHIN THESE DOCUMENTS, AND AUTHORIZE THE SIGNATURES. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**MOTION BY MYRNA WARRINGTON THAT THE ISSUE OF ROAD AND TRESPASSING SIGNS BE SENT OVER TO THE COMMUNITY DEVELOPMENT COMMITTEE. SECOND WAS MADE BY LISA WAUKAU. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT**



(ALEGRIA).

**24. 1<sup>ST</sup> Consideration of Ordinance No. 10-\_\_\_ Fiscal Year 2010 Kenosha Gaming Authority Budget.**

**MOTION BY RANDAL CHEVALIER FOR 1<sup>ST</sup> CONSIDERATION APPROVAL OF ORDINANCE NO. 10-05 FISCAL YEAR 2010 KENOSHA GAMING AUTHORITY BUDGET, AND SEND TO PUBLIC HEARING ON MARCH 18, 2010 AT 4:30 P.M. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**25. Final Approval of Amendment to Ordinance 97-13 All Terrain Vehicle Regulations. (*Sponsored by Legislator's Fish & Caldwell*).**

Legislator Fish requested to comment that he does not support this Ordinance and requested that his name be removed from the Ordinance as a sponsor and from the agenda in the future on any other Ordinances.

**MOTION BY KENNETH FISH THAT THEY LOOK AT THE HELMET REQUIREMENT OF 18 YEARS OR OLDER THAT THEY'RE NOT REQUIRED TO WEAR A HELMET. SECOND WAS MADE BY BRUCE PECOE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**MOTION BY KENNETH FISH THAT ATV RIDERS OUTSIDE OF TOWN AREAS AND HOMES 17 YEARS AND UNDER WOULD BE REQUIRED TO HAVE THEIR GUNS Cased. SECOND WAS MADE BY DAVID MILLER.**

**PLEASE NOTE:** This motion was withdrawn for further work up on the Ordinance due to the public hearing comments made by tribal members.

**MOTION BY KENNETH FISH TO RESCIND THE MOTION THAT I MADE ON THE HELMETS. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**MOTION BY KENNETH FISH THAT THE COMMENTS FOR TONIGHTS MEETING AND THE PUBLIC HEARING COMMENTS REGARDING THE ATV ORDINANCE NO. 97-13 BE REFERRED BACK TO THE ENFORCEMENT RESOURCE AND PROTECTION COMMITTEE AND THEN BE BROUGHT BACK TO THE LEGISLATURE. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

Tribal members requested that the ERP Committee meeting be set after work so that those interested in attending to voice their concerns would have that opportunity to do so.

**MOTION BY KENNETH FISH THAT THE NEXT ENFORCEMENT RESOURCE AND PROTECTION COMMITTEE MEETING BE AT 5:00 P.M. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**26. Final Approval of Amendment to Ordinance No. 09-16 Fiscal Year 2010 Tribal Budget (*Sponsored by Legislator Chevalier*).**

**MOTION BY LYNNETTE MILLER TO APPROVE FINAL APPROVAL OF AMENDMENT TO ORDINANCE NO. 09-16 FISCAL YEAR 2010 TRIBAL BUDGET. SECOND WAS MADE BY MYRNA WARRINGTON. THE MOTION CARRIED: 6 FOR, 1 OPPOSED (CHEVALIER), 0 ABSTENTIONS,**

**AND 1 ABSENT (ALEGRIA).**

**PLEASE NOTE: Legislator Chevalier qualified his opposition as follows:** *"I'm opposing the additional funds that are being requested by Woodland Boys & Girls Club."*

- 27. Final Approval of Amendment to Ordinance No. 09-17 Fiscal Year 2010 Restricted – Use Budget (Sponsored by Legislator Chevalier).**

**MOTION BY LISA WAUKAU FOR FINAL APPROVAL OF AMENDMENT TO ORDINANCE NO. 09-17 FISCAL YEAR 2010 RESTRICTED - USE BUDGET. SECOND WAS MADE BY BRUCE PECORE. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 1 ABSTENTION (CHEVALIER), AND 1 ABSENT (ALEGRIA).**

**PLEASE NOTE: Legislator Chevalier qualified his abstention as follows:** *"I don't recall having this discussion in Budget & Finance Committee on loan payments."*

- 28. Final Approval of Ordinance No. 09-21 Menominee Occupational Safety & Health. (Sponsored by Legislator's Boivin & Chevalier).**

**MOTION BY RANDAL CHEVALIER THAT WE AMEND THE ORDINANCE AS DISCUSSED HERE THIS EVENING AND THAT WE APPROVE THE FINAL APPROVAL OF ORDINANCE NO. 09-21 (MENOMINEE OCCUPATIONAL SAFETY AND HEALTH). SECOND WAS MADE BY LISA WAUKAU. THE MOTION CARRIED: 5 FOR, 1 OPPOSED (FISH), 1 ABSTENTION (PECORE), AND 1 ABSENT (ALEGRIA).**

**PLEASE NOTE: Legislator Fish qualified his opposition as follows:** *"I've always supported this health and safety standards Ordinance, but in it's current form under the Constitution page 41 "Action by Ordinance Required" and in addition to the acts of the Legislature as are required by other provision of the Constitution to be by Ordinance. The following acts shall be by Ordinance any appropriation creating an indebtedness authorizing the borrowing of money, levying a tax, establishing criminal or civil penalties, which we would be establishing civil penalties, and any act which places a burden upon or limits the use of private property without the consent of the owner, or limits the freedom of tribal member to excise rights, and I think the civil penalties is an issue that needs to go through an Ordinance process, and I think we have adopted an Ordinance that would be contrary to the Constitution."*

**Legislator Pecore qualified his abstention as follows:** *"not enough information."*

- 29. Final Approval of Ordinance No. 09-31 Menominee Indian Economic Development Authority. (Sponsored by Legislator's Boivin & Chevalier).**

**MOTION BY RANDAL CHEVALIER FOR FINAL APPROVAL OF ORDINANCE NO. 09-31 MENOMINEE INDIAN ECONOMIC DEVELOPMENT AUTHORITY. SECOND WAS MADE BY LISA WAUKAU. THE MOTION CARRIED: 6 FOR, 0 OPPOSED, 1 ABSTENTION (FISH), AND 1 ABSENT (ALEGRIA).**

**PLEASE NOTE: Legislator Fish qualified his abstention as follows:** *"it's not clear to me how this authority is going to function."*

**30. Final Approval of Ordinance No. 09-32 Declaration of State of Emergency. (*Sponsored by Legislator's Fish & Caldwell*).**

**MOTION BY KENNETH FISH FOR FINAL APPROVAL OF ORDINANCE NO. 09-32 DECLARATION OF STATE OF EMERGENCY AS CORRECTED. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**31. Travel Authorization Requests.**

**MOTION BY KENNETH FISH TO APPROVE TRAVEL AUTHORIZATION REQUESTS FOR: 1) THE 2010 GOVERNOR'S CONFERENCE ON TOURISM ON MARCH 14-16, 2010 IN MILWAUKEE, WI FOR MEMBERS OF THE ECONOMIC DEVELOPMENT TASK FORCE TO BE ATTENDED BY LEGISLATOR'S LISA WAUKAU, BRUCE PECORE, & LYNNETTE MILLER; 2) THE U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES BEMIDJI - AREA TRIBAL CONSULTATION SESSION ON APRIL 20, 2010 IN BLOOMINGTON, MN FOR THE CHAIRMAN OF THE HEALTH AND FAMILY COMMITTEE TO BE ATTENDED BY LEGISLATOR REGECCA ALEGRIA; AND 3) HONORARY FOR ADA DEER ON MARCH 11, 2010 IN MADISON, WI TO BE ATTENDED BY CHAIRWOMAN BOIVIN AND LEGISLATOR L. MILLER. SECOND WAS MADE BY DAVID MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**32. Approval of Minutes – January 21, 2010 – Regular; and January 23, 2010 – Annual General Council.**

**January 21, 2010 – Regular; and**

**MOTION BY LYNNETTE MILLER TO APPROVE THE MINUTES OF JANUARY 21, 2010 REGULAR MEETING WITH ANY POTENTIAL CORRECTIONS. SECOND WAS MADE BY LISA WAUKAU. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**January 23, 2010 – Annual General Council.**

**MOTION BY RANDAL CHEVALIER TO *TABLE* THE MEETING MINUTES (ANNUAL GENERAL COUNCIL) OF JANUARY 23, 2010. SECOND WAS MADE BY KENNETH FISH. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**33. Committee Reports & Recommendations:**

**a. Enforcement and Resource Protection Committee of February 17, 2010.**

**i. Request MTL & MTE to Communicate and Assist Conservation Department;  
&**

**MOTION BY KENNETH FISH TO CONCUR WITH THE ENFORCEMENT AND RESOURCE PROTECTION COMMITTEE OF FEBRUARY 17, 2010 TO RECOMMEND TO THE LEGISLATURE THAT THE TRIBAL CHAIRMAN COMMUNICATE WITH THE MTE CHAIRMAN - BOARD OF DIRECTORS WITH A COPY TO THE MTE PRESIDENT TO: 1) GET PROACTIVE WITH ACCOUNTABILITY PROCEDURES FOR OUR SAW LOGS AND PULPWOOD LEAVING THE RESERVATION; AND 2) TO ASSIST THE CONSERVATION DEPARTMENT IN THEIR EFFORTS TO PROTECT OUR NATURAL RESOURCES. NO SECOND NECESSARY. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

**ii. Request to send MTL Memorandum for Information Purposes Only.**

The Committee wanted the Legislature to be updated on the memorandum from the Director of Legal Services William Kussel dated February 17, 2010 regarding when a person convicted in Menominee Tribal Court is placed on probation when does that probation sentence begin. According to Atty. Kussel, he stated that Ordinance 94-01 was amended on March 7, 2008, and based upon Section 5.01 it clearly means that probation starts the moment the Court imposes a jail sentence and then "releases" the person on probation.

**b. Tribal Forestry Committee of February 23, 2010.**

**i. Request Approval of Resolution for Adoption of Wildland Fire Management Cooperative Agreement.**

MOOT - Previously taken up under agenda item number 18.

34. *As per LRP 5.03 – EXECUTIVE SESSION:* (A) Legal – 1) Approval of Attorney Contract – Lindzey Grall; & 2) Mott Property; (B) Personnel; & (C) Gaming – 1) Kenosha Project.

MOTION BY MYRNA WARRINGTON TO GO INTO EXECUTIVE SESSION. SECOND WAS MADE BY RANDAL CHEVALIER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

***\*\*EXECUTIVE SESSION WAS NOT RECORDED\*\****

MOTION BY LISA WAUKAU TO COME OUT OF EXECUTIVE SESSION. SECOND WAS MADE BY LYNNETTE MILLER. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

**(A) Legal**

**1) Approval of Attorney Contract - Lindzey Grall; &**

MOOT - Previously taken up under agenda item number 17.

**2) Mott Property;**

There were no motions made after coming out of Executive Session.

**3) Discussion on MTE's Attorney Letter Dated March 3, 2010; &**

There were no motions made after coming out of Executive Session.

**4) Economic Development Consultant update under Executive Session.**

PROPRIETARY MOTION MADE BY LISA WAUKAU. SECOND WAS MADE BY KENNETH FISH. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).

**(B) Personnel; &**

There were no motions made after coming out of Executive Session.

**(C) Gaming**

**1) Kenosha Project.**

There were no motions made after coming out of Executive Session.

**35. Adjournment.**

**MOTION BY LYNNETTE MILLER/LISA WAUKAU TO ADJOURN. THE MOTION CARRIED: 7 FOR, 0 OPPOSED, 0 ABSTENTIONS, AND 1 ABSENT (ALEGRIA).**

Meeting adjourned at 9:56 P.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "Debra A. Bowman".

Debra A. Bowman, Recorder/Transcriber  
**EXECUTIVE SECRETARY, CHAIRMAN'S OFFICE**